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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 4 August 2005 from the Permanent Mission of the Niger to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of the Niger to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities and has the honour to submit herewith the national report of its country in accordance with Security Council resolution 1455 (2003).

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Republic of the Niger

Report submitted to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

July 2005

I. Introduction

National security: an urgent issue

The security of persons and property is a matter of constant concern to the Government of the Niger. The issue now seems more pressing than ever as the nation continues to endure the trauma and aftermath of the armed rebellion in the northern and eastern parts of the Niger. It involves the introduction of the rule of law and democracy against a backdrop of poverty among urban and rural people and an international security system which has been greatly shaken since the violent attacks of 11 September 2001.

1. The security context

1.1 The international context

A feature of the international security environment is the threat posed by transnational criminal activities. These activities are conducted and maintained by organized networks and essentially involve illicit trafficking in drugs and weapons, money-laundering, prostitution and trafficking in children.

International terrorism now poses a serious threat to international security, peace and stability. Engendered by the indiscriminate violence of religious fundamentalism which, for its part, is fuelled by poverty, injustice and inequality of every kind, it takes various forms: attacks, hostage-taking, piracy and other acts.

This lack of international security further complicates the work of national security forces which are already dealing with a national security situation that is equally unsettled.

1.2 The national context

The Niger is a huge territory covering 1,267,000 square kilometres. This vast country has some 11 million inhabitants. According to the Poverty Reduction Strategy Paper, the sole frame of reference for economic and social development, 63 per cent of the population lives below the poverty line and 34 per cent lives in extreme poverty.

The Niger has experienced violent uprisings in the wake of the armed rebellion which broke out in its northern and eastern regions. This situation has severely tested peace, social cohesion and stability in the country. The situation has improved significantly since the signing of the peace agreement of 24 April 1995 and various additional protocols and following the democratic, free and transparent elections of

October and November 1999. To strengthen the gains made by the peace process, a ceremony entitled "Flame of Peace" was organized on 25 September 2000 in the northern town of Agadez.

Despite such undeniable progress with respect to peace and domestic security, however, the security situation in the Niger continues to be characterized by threats to human security. These include:

- Urban and rural banditry;
- Religious fundamentalism;
- Social unrest inherent in democracy and the rule of law;
- Transboundary organized crime;
- Conflict between communities of farmers and pastoralists.

(a) Urban and rural banditry

The armed rebellion has ended but it has had after-effects, including armed banditry, bringing about lasting vulnerability. This banditry, which spares neither countryside nor city, much less roads, takes many forms: carjacking, armed robbery and hold-up of motorists. Today, it is fuelled in particular by the anarchic trade in weapons.

(b) Religious fundamentalism

Religious intolerance is one source of the lack of security, for Islam has great influence in the Niger. Many different teachings are propagated by associations and other similar groups, many of which have links with the major international and subregional Islamic organizations. This phenomenon is intensified by the existence of some centres of religious activism led by nationals of the Niger and by nationals of certain countries.

At first, these associations confined their activities to teaching Islamic values. For some time now, however, a good many of them, through a spillover effect, have begun to make political demands (establishment of Sharia laws and proclamation of an Islamic Republic) often accompanied by a rhetoric of violence and acts of vandalism. For the time being, the means of propaganda used by these associations are simply sermons and gifts to the poor. The gifts generally come from international organizations which are better administered and wealthier than the associations.

Nevertheless, their methods might develop in view of the Niger's geographic position. The Niger has borders with: Algeria — a country affected by violent armed Islamic fundamentalists who continue to claim victims — to the north; Nigeria — where several federal states have unilaterally adopted Sharia law as their state law — to the south; Chad — the northern region of which is in the grips of an armed rebellion — to the east; and Mali — whose eastern region is in constant turmoil — to the west.

Although its foreign policy is based on brotherly and good-neighbourly relations, it is obvious that any increase in violence in neighbouring countries will have repercussions on the domestic security of the Niger.

(c) Social unrest inherent in democracy and the rule of law

The Niger is a democratic State governed by the rule of law. Fundamental rights and freedoms are therefore recognized and guaranteed. The assertion of these rights and civil liberties, however, is often accompanied by violence and acts of vandalism which can spread and change unexpectedly, thereby seriously threatening the peace and stability of the institutions of the republic.

Social ills such as unemployment, criminality, immorality and drug abuse help to exacerbate this social unrest.

(d) Organized transboundary crime

This involves networks of traffickers in drugs, weapons, human organs, stolen luxury vehicles, and trafficking of young girls and children for prostitution. There is also illegal immigration towards Maghreb and Western countries.

These criminal networks all threaten the domestic security of the Niger.

It is against this national and international background of all kinds of threats that the national security forces must ensure human security and provide overall security during the fifth Francophonie Games which the Niger is getting ready to host in 2005.

II. Consolidated list

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III. Freezing of economic and financial assets

9. There are mechanisms enabling the freezing of funds, assets and other financial resources in accordance with resolution 1455 (2003). The International Convention for the Suppression of the Financing of Terrorism provides for measures in that respect. Those provisions have been incorporated into the Code of Criminal Procedure.

10. The Government has given banks established in the territory latitude to monitor the names of persons and establishments considered to be terrorists or to be involved in terrorist-related activities transmitted by the United Nations. The departments responsible for security matters, including the Ministry of Internal Affairs, Ministry of National Defence, Ministry of Justice and Ministry of Finance

and Economic Affairs, all participate in efforts to identify, pursue and dismantle the networks.

11. The Commission on Legislative Reforms has decided to incorporate the criminal provisions specified by the International Convention for the Suppression of the Financing of Terrorism into specific laws.

Furthermore, the Code of Criminal Procedure recently adopted by the National Assembly also includes several appropriate measures concerning the competence of national courts in the event of acts of terrorism in article 673, paragraphs 1, 2, 3 and 4, and articles 679 and 680.

The heads of State and Government of the Economic Community of West African States (ECOWAS) instituted by a decision dated 12 November 1999 an Intergovernmental Action Group against Money Laundering (GIABA). The Group is responsible for coordinating efforts to combat money-laundering and assist Governments in adopting appropriate legislation.

In accordance with a commitment made by the ministers and governors of the central banks at their meeting in Abidjan in April 2001, the three parts of the CFA Franc Zone (the West African Economic and Monetary Union (WAEMU), the Central African Economic and Monetary Union (CAEMC) and the Comoros) adopted legal frameworks to combat money-laundering and the financing of terrorism in accordance with international standards in force, including the recommendations of the Financial Action Task Force on Money Laundering (FATF).

The WAEMU Council of Ministers subsequently adopted community regulations in 2002 on suppressing the financing of terrorism. The provisions on combating money-laundering apply to all member States.

During the meeting held in Niamey on 8 April 2003 the Ministers of Finance and heads of the regional institutions of the CFA Franc Zone requested the committee on money-laundering to continue to support the competent authorities of the CFA Franc Zone, particularly to facilitate the effective implementation of the legal frameworks adopted by member States.

12. To date, the aforementioned financial institutions have not harboured any account in the name of any terrorist or terrorist group.

13. With respect to implementation of Security Council resolution 1455 (2003) concerning sanctions against the financing of terrorist groups, the Government has given banks established in the territory the necessary flexibility to monitor the names of persons and financial institutions transmitted by the United Nations.

No financial institution established in the Niger harbours any account in the name of any terrorist or terrorist organization.

14. Concerning the Code of Criminal Procedure, bank secrecy may not be invoked before a court. By law, any asset suspected of and identified as belonging to a terrorist group may be frozen.

IV. Travel ban

15. The specific goals of the programme are as follows:

To provide national security forces with personal and unit equipment for public security and law enforcement;

To train national security force officers in specialized security areas;

To provide logistic support to national security forces;

To strengthen the national network of security units;

To establish a state presence in all zones affected by terrorism.

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18. The activities conducted by defence and security forces using modest means have produced the following results:

On 26 January 2004 the sect leader Mohamed Moubarack and seven of his disciples were arrested.

On 22 February 2004, following an attack on French tourists in Temet, the Armed Forces managed to recover several documents which enabled authorities to identify the persons who had stolen a Toyota from a travel agency on the Algerian border.

On 24 February 2004, thanks to intelligence concerning the presence of the Groupe salafiste pour la prédication et la combat (Salafist Group for Proselytism Preaching and Combat) (GSPC) in the territory of the Niger, the Group was pursued and driven from the country by the Armed Forces and subsequently destroyed by the Chad Armed Forces.

On 4 April 2004, following a skirmish with GSPC elements travelling in three Toyota automobiles in the north-eastern part of Midal, a Toyota containing documents and a significant amount of ammunition was seized.

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V. Arms embargo

20. The ECOWAS moratorium prohibits the importation, exportation and manufacture of small arms and light weapons save in exceptional cases.

A National Commission on the Collection and Control of Illicit Weapons was set up in the Niger in 2000 under the Office of the President of the Republic. Through this Commission, which is in charge of collecting and destroying small-calibre small arms and light weapons, a pilot project for the collection of illicit weapons and support of sustainable development was set up in the N'Guigmi department (eastern part of the country).

This project is part of the wider implementation of the ECOWAS moratorium, signed on 31 October 1998 in Abuja.

The Niger has subsequently regulated the possession, importation and bearing of arms in the national territory in accordance with this moratorium.

21. Under the recently adopted Criminal Code of the Niger anyone who takes part in activities with a view to committing crimes in the national territory will be imprisoned.

22. Anyone wishing to acquire, purchase and possess a weapon must obtain special authorization from the Minister of Internal Affairs in the Niger. Any acquisition of weapons is currently prohibited in the Niger.

23. The Niger produces neither weapons nor ammunition.

VI. Conclusion

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